

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 99-61

Introduced by Council Members Miller, Heselton, Stepp and Wagner

Legislative Day No. 99-32 Date December 7, 1999

AN EMERGENCY ACT to establish a temporary moratorium on the construction, modification, placement, reconstruction, enlargement or expansion of telecommunication towers within the County; to establish the duration of the moratorium, to define the term telecommunication tower; to establish certain exceptions to the moratorium; to prohibit the County from accepting certain applications or issuing certain permits; to establish a civil penalty for a violation of this Act; and generally relating to a temporary moratorium regarding telecommunication towers.

By the Council December 7, 1999

Introduced, read first time, ordered posted and public hearing scheduled

on: January 4, 2000

at: 7:00 p.m.

By Order: James E. Massey, Jr., Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 4, 2000 and concluded on January 4, 2000.

James E. Massey, Jr., Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates Language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, Recent advances in wireless communication technology have
2 resulted in many new forms of communication services; and

3 WHEREAS, Most of these new services will likely require antenna locations
4 throughout the County; and

5 WHEREAS, The current zoning laws of the County were adopted prior to the
6 emergence of this new communications technology; and

7 WHEREAS, There is a need to study the issues related to the placement,
8 construction and modification of communication towers and other facilities; and

9 WHEREAS, The Council finds that a moratorium is in order to prevent the
10 placement, construction, enlargement and modification of towers and other facilities
11 within the County, pending the completion of necessary studies and the consideration and
12 implementation of new zoning laws on the subject.

13 NOW, THEREFORE,

14 SECTION 1. Be It Enacted By The County Council of Harford County,
15 Maryland, that:

16 A. There is hereby established a moratorium on the construction,
17 modification, placement, reconstruction, enlargement or expansion of
18 telecommunication towers within the County.

19 B. The moratorium shall be in effect for 180 calendar days from the date this
20 Act becomes law and shall expire at that time unless further extended.

21 C. For the purposes of the moratorium, the term telecommunication tower
22 shall mean any pole, spire, structure, or combination thereof, including
23 supporting lines, cables, wires, braces and masts, intended primarily for

1 the purposes of mounting one or more antennae, including camouflaged
2 towers, lattice towers, guy towers, monopole towers, or similar apparatus
3 above grade.

4 D. The moratorium shall be applicable to property throughout the County.

5 E. During the period of the moratorium, applications for Board of Appeals
6 approval, applications for final site and building plan approval, building
7 permits, and other permits and approvals related to telecommunication
8 towers shall not be accepted or issued by the County.

9 F. The moratorium shall not apply to: (1) the lawful use of existing
10 telecommunication towers or the lawful erection of antennae on lawful
11 existing telecommunication towers; (2) the repair or maintenance of any
12 existing telecommunication tower provided such work does not enlarge or
13 expand that tower; (3) work on a telecommunication tower necessary to
14 preserve health, safety, life or property in the face of an emergency; and
15 (4) telecommunication tower work that has received all necessary permits
16 and approvals from the County prior to the effective date of this Act.

17 G. Any person who constructs, modifies, places, reconstructs, enlarges, or
18 expands a telecommunication tower in violation of this Act shall be guilty
19 of a misdemeanor and, on conviction, is subject to a fine not to exceed
20 \$1000 per day per violation or imprisonment not to exceed 6 months.

21 Each day a violation exists is a separate violation.

22 SECTION 2. And Be It Further Enacted, That this Act is declared to be an
23 Emergency Act, necessary to provide the County time to study and enact
24

1 comprehensive legislation regarding telecommunication towers and facilities and
2 shall take effect on the date it becomes law.

3 EFFECTIVE:
4
5
6

7 The Council Administrator does hereby certify that
8 fifteen (15) copies of this bill are immediately available for
9 distribution to the public and the press.
10

11 
12 _____
13 Council Administrator

HARFORD COUNTY BILL NO. 99-61

Brief Title) Telecommunication Towers - Temporary Moratorium

is herewith submitted to the County Council of Harford County for enrôllment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Council Administrator

Vice President of the Council

Date _____

Date _____

BY THE COUNCIL

Read the third time.

Passed: LSD

Failed of Passage: LSD 00-1 (January 4, 2000)

By Order

James E. Massey J
Council Administrator

Council Administrator

Sealed with the County Seal and presented to the County Executive
for approval this _____ day of _____, 199__ at _____ m.

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date_____